



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerrits et al.

Confirmation No.: 9222

Application No.: 09/916,491

Group Art Unit: 2876

Filing Date: July 27, 2001

Examiner: Diane I. Lee

For: Electronic Card Assembly and Shell Therefor

EXPRESS MAIL LABEL NO: EL 999294660 US
DATE OF DEPOSIT: March 4, 2004Attention: Office of Petitions
Box DAC
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450**PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM
FOR PRIORITY PURSUANT TO 37 CFR §1.78(a)(3)**

Applicants hereby advise the Office that they failed to file a timely and proper claim of priority under 35 U.S.C. §§ 119(e), 120, 121 or 365(c) within the later of four months from the filing date of the later filed application or sixteen months from the filing date of the prior-filed application. Accordingly, Applicant(s) hereby petition that the office accept the delayed claims for priority. An amendment directing entry of the claim for priority into the specification of the above-identified application was filed on November 18, 2002 (courtesy copy provided).

Accompanying this petition is the fee of \$1,330.00 as set forth in 37 CFR §1.17(t).

STATEMENT

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Payment of fee(s):



Enclosed please find a check in the amount of \$1330.00 .

Please charge Deposit Account No. 23-3050 the sum of \$1330.00 .



Please charge Deposit Account No. 23-3050 for any fee deficiency or credit this account for any overpayment for this petition.



This Petition is enclosed in duplicate.

Date: March 4, 2004



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PATENT

DOCKET NO. EL-4450-G

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Gerritts et al**

Art Unit: **2876**

Serial No: **09/916,491**

Examiner: **Lee**

Filed: **July 27, 2001**

For: **Electronic Card**

18 November 2002

Commissioner for Patents
Washington, DC 20231

Sir:

COPY

AMENDMENT

In response to the Office Action of July 18, 2002, please amend the above-identified patent application as follows:

IN THE SPECIFICATION:

Please add the following continuity information at page 1, line 2:

--This application is a continuation of application Serial Number 09/297,776 filed 28 July 1999, which is a continuation of application Serial Number 08/748,503, file 08 November 1996, now US Patent 6058018 on 02 May 2000. This application also priority from Provisional Application 60/047,398 filed 22 May 1997.--

Replace the current abstract with the following abstract:

--An electronic card and the shell for the electronic card capable of exceeding applicable bending, torque, and fingernail test specifications are disclosed. The

electronic card assembly can resist a bend of greater than 10° during a torque test applying a torque of greater than approximately 1.2 N-m; deflects less than approximately 3.5mm during a PCMCIA bend test applying a force of approximately 20N; and displaces less than approximately 1.5mm during a fingernail test applying a force of more than approximately 100N. Such test performance is achieved even without a printed circuit board in the electronic card assembly.- -

IN THE CLAIMS:

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Please cancel claims 40-45.

Please add the following claims:

46. (New) In an electronic card assembly, wherein the improvement comprises said electronic card assembly withstanding rotating to an of greater than approximately 10° during a torque test which applies a torque of greater than approximately 1.2 N-m.
47. (New) The electronic card assembly according to claim 46 wherein said electronic card assembly can withstand rotating to an angle of approximately 12°.
48. (New) The electronic card assembly as recited in claim 47, wherein the electronic card assembly does not include a printed circuit board during the torque test.
49. (New) In an electronic card assembly, wherein the improvement comprises said electronic card assembly deflecting less than the PCMCIA standard during a PCMCIA bend test which applies a force of approximately 20N.

50. (New) The electronic card assembly as recited in claim 49 wherein said electronic card assembly deflects less than approximately 3.5 mm during said PCMCIA bend test.

51. (New) The electronic card assembly as recited in claim 50, wherein the electronic card assembly does not include a printed circuit board during the PCMCIA bend test.

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52. (New) In an electronic card assembly, wherein the improvement comprises said card displacing less than the PCMCIA standard during a fingernail test which applies a force of more than approximately 100N.

53. (New) The electronic card assembly as recited in claim 52, wherein the electronic card assembly does not include a printed circuit board during the fingernail test.- -

REMARKS

Claims 46-53 are pending and new. All previous claims have been cancelled.

The Examiner's comments in paragraph 2 of the Office Action concerning the continuity information of this application as stated in the declaration of this application is noted. However, it should also be noted that because this application is a continuation of other applications, the declaration is merely a copy of an older executed declaration. The Examiner and the PTO should rely on the continuity statement provided above as suggested by the Examiner in paragraph 5 of the Office Action.

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The objections to the abstract have been noted and corrected by the provision of a new abstract.

The double patenting rejections of the now-cancelled claims are noted. If allowable claims are subject to a later double patenting rejection, Applicant will consider filing a terminal disclaimer.

Claims 40-45 were rejected under 35 USC §103(a) as being obvious over Persia in view of Kilmer. In so far as the Examiner may consider applying this rejection and/or these references against current claims 46-53, the following should first be taken into account.

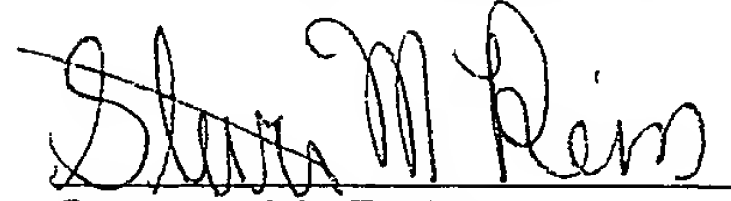
Concerning claims 46, 47, 49, 50, and 52 these claims recite a card assembly capable of resisting test conditions **well in excess** of the standard PCMCIA test conditions. The cited prior art does not show this. Furthermore, if something is a "standard", that means most skilled in the art would design specifically towards it and a design that exceeds the standard would be unobvious. Accordingly, these claims should be allowable for at least that reason.

Concerning claims 48, 51, and 53, the Examiner states that it would have been obvious to test the electronic card assemblies without PCBs inside to obtain their exact deformation characteristic. However, that is not the point. The point is that even without the stiffening effect provided by the PCBs within the electronic card assemblies, Applicants are obtaining an electronic card assembly far superior in physical properties to a conventional card.

All the claims being allowable, an early indication as such is requested.

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Respectfully submitted,



Steven M. Reiss

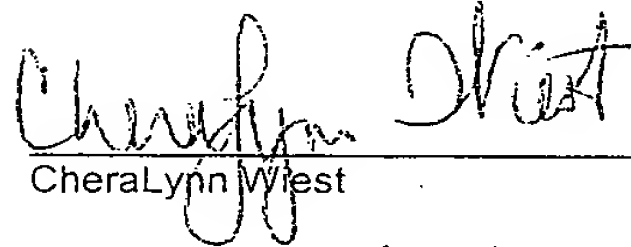
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being deposited with the U.S. Postal Service
as First Class Mail in an envelope addressed to:
Commissioner for Patents
Washington, D.C. 20231
on 18 November 2002.



CheraLynn West

11/18/02

Date of Signature